

**V. REMARKS**

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by French (U.S. Patent Reissue No. 30, 518). The rejection is respectfully traversed.

French teaches a pneumatic tire wear indicating tread pattern. Slots 6 are formed into the tread surface near the main grooves 5. As the tread surface is worn away, chambers beneath the slots spell a word such as "stop" as shown in Figure 4 as a tire wear indicator.

Claim 1 is directed to a pneumatic tire that includes a mark portion which changes as wear progresses. Claim 1 recites that the mark portion is provided on a portion of a tread surface of the tire and disposed apart and in isolation from a main groove extending circumferentially about the tire. Claim 1 further recites that the mark portion includes a first cavity and a second cavity disposed adjacent the first cavity with each one of the first and second cavities extending into the tread surface of the tire. Further, claim 1 recites that the first cavity has a first cavity length that continuously changes as a depth of the tread surface decreases due to wear and the second cavity has a second length that remains constant as the depth of the tread surface decreases due to wear.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1. Specifically, the applied art fails to teach includes a first cavity and a second cavity disposed adjacent the first cavity with each one of the first and second cavities extending into the tread surface of the tire such that the first cavity has a first cavity length that continuously changes as a depth of the tread surface decreases due to wear and the second cavity has a second length that remains constant as the depth of the tread surface decreases due to wear. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claim 4 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Claims 2 and 5 are canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by DE 362833. The rejection is respectfully traversed.

DE 833 teaches a pneumatic tire with a wear indicator. The slots 4 extending laterally from the main grooves. Each slot has a base extending at an angle of approximately 40 degrees and can be provided with wear markings to indicate the amount of wear in the tire tread before the legal limit has been reached. Each slot communicates with a main groove.

It is respectfully submitted that the rejection is improper because the applied art fails to teach each element of claim 1 as discussed above. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

As mentioned above, claim 2 is now canceled.

Claim 6 depends from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claim is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Claim 5 is canceled and therefore the rejection as applied thereto is now moot.

Withdrawal of the rejection is respectfully requested.

Claim 3 is rejected under 35 U.S.C. 103(a) as unpatentable over DE 833 in view of Bins (U.S. Patent No. 3,833,040). The rejection is respectfully traversed.

Bins teaches a tire having a thin layer of material on the tread and in the grooves that is a different color than the material of the underlying tread.

Claim 3 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 3 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

Claim 4 is rejected under 35 U.S.C. 103(a) as unpatentable over DE 833 in view of French and/or Trechot (Fr 1498340). The rejection is respectfully traversed.

Trechot teaches a wear indicator for tires that includes an insert that has a contrasting color below the surface of the tread.

Claim 4 depends from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that claim 4 is allowable at least for the reason claim 1 is allowable as well as for the features it recites.

Withdrawal of the rejection is respectfully requested.

In summary, the mark portion is provided with a second cavity of which the length is always constant, so that with the length of the second cavity as a reference, the length of the other or first cavity of which the length changes may be determined, whereby it is always possible to carry out an accurate measurement of the changing amount of wear. In contrast to this, according to the cited references such as German '833 and French (RE 30518), a cavity of which the length is constant is not provided and accordingly an accurate determination of the changing wear amount cannot be made.

According to the claimed invention of the present invention, the mark portion is isolated in position from the main groove so that a phenomenon of uneven wear does not take place. Uneven wear is likely when, for example, the cavity of the mark portion is connected to the main groove in which a portion of the point of connection together of the cavity and the groove undergoes a wear relatively quickly. Thus, when an automatic inspection of the mark portion is made with use of for example optical detecting means, no error is likely in or of the measurement of the wear amount. Further, when a member differently colored from surrounding rubber is buried in the cavity as defined in claim 4, the cavity is made hardly undergoing uneven wear, so that the above advantageous result can be more remarkably demonstrated.

Newly-added claim 19 also includes features not shown in the applied art.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: August 26, 2003

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Enclosure(s):      Petition for Extension of Time (one (1) month)

DC131371